

**Minutes for Marianas Trench Monument Advisory Council Meeting**  
**September 12, 2013**  
**(Saipan, CNMI)**

1. Introductions

- Chairman Ben Sablan conducted roll call and welcomed the Mariana Trench Monument Advisory Council (MTMAC)
- Call to order took place at 8:30 am
- Participants confirmed:
  - MTMAC: Chairman Ben Sablan, Arnold Palacios, and Frank Rabauliman (CNMI), Roy Tsutsui (DoD), Morgan Roper (USCG)
  - Agencies: Susan White, Laura Beauregard, Joe Schwagerl (USFWS), Lisa Croft, Heidi Hirsh (NMFS)
  - Observers: Deana Sars, Jack Ogumoro, Steven Johnson (DEQ), Frank Castro (DEQ), Richard Simmon (WESPAC), and Manny (DAG)

2. MTMAC Nominations:

- Two of the three appointments expire Sept 20, 2013
  - ACTION (1): Nominations submitted to Washington Office, awaiting signature. Frank is the only member whose membership does not expire on September 20, 2013.

3. Approval of April (3/4), 2013 Meeting Minutes:

- April 3/4 conference call minutes were discussed and approved
  - Agenda finalized with one issue being added to agenda item #3, discussion of action items from last minutes to get everyone up to speed.
  - ACTION (2) Minutes added.
  - FWS will add MTMAC webpage to the official Mariana Trench Marine National Monument (MTMNM) webpage. Official minutes will be added to the site. Susan White projects the MTMAC webpage will be open by the end of Oct (though it has not been created yet). Heidi Hirsh notified that NOAA intends to have its own webpage too. Suggestion made that all MTMAC member submit biographies for use on the websites. FWS and NOAA will keep MTMAC informed about each prospective website. [update: Due to the government shutdown and scheduling conflicts, the Service webpage has been delayed]

4. Report out on Previous Meeting Action Items:

- Research Requests
  - ACTION (3) FWS had not received any permit requests since March 5-6 meeting, but did have 2 request for actions outside of monument. FWS emailed details of the permit requests to Mr. Sablan and Mr. Palacios. Susan White will confirm the emails were sent.

- ACTION (4) Two firms were doing research in the area of the Mariana Trench and Vents units. No requests have been made for work inside the monument. Keep the item open. Permits and information will be sent to MTMAC even if outside the monument.
- Monument Management Plan update:
  - Planning Update #3 was published in March 2013 which summarized the comments and questions received during public scoping meetings on Saipan, Tinian, Rota, and Guam. Initial responses to the questions were provided by FWS and NOAA.
  - ACTION (5): Planning update submitted, keeping action item open and to discuss as agenda item.
- Education and Outreach
  - NOAA reported that they were unable to conduct the Why Do We Explore Course due to travel limitations, but Heidi Hirsh is proceeding with requesting travel for FY 14 to honor that commitment. Looks like the budget will still be in sequester for FY 14.
  - Palacios recommends looking at local options to help, NM College, Natural Resource Division. Heidi Hirsh spoke with Dr. DeTorres and Matthew Crane. It was also suggested to teach on Guam.
  - ACTION (6): Keep item open because there is an 'organic mandate for this for budgeting'.
  - Heidi Hirsh explains the Why Do We Explore Course responding to Frank Rabauliman's request for more information on this program. Palacios would like to see a course available for high school students to encourage more interest in students to promote marine college programs.
- Federal Funding opportunity for Marianas Trench MNM
  - Recruitment of students from CNMI and Guam to send to SCRIPPS has been cancelled due to sequestration
  - ACTION (7): Recruitment closed, program cancelled.
  - Lisa Croft reported that due to sequestration presentations by students have been cancelled. Program not on FY 14 budget because agency is "hunkering down to core mission of what we do"
  - ACTION (8) Item closed due to sequestration
- Mariana Archipelago Ecosystem Science Implementation Workshop being planned for May/June 2013 in Saipan
  - ACTION (9) Item closed as agenda item but will be discussed during the workshop later
- Summary of proposed corals listing meeting held in CNMI February 2013
  - NMFS agreed to send Mr. Palacios an opportunity for an internship with the Coral Reef Task Force so that he can pass it along to people in CNMI.

- ACTION (10) Item is closed because it was received by the Coral Reef Office.
- Other Information or news issues
  - Suggestion of adding a representative of Guam on the MTMAC
    - ACTION (11) Defer to Agenda
  - Status of FWS creating a Unified working group (NOAA, CNMI, FWS) to look at a visitor center or multi-use facility
    - ACTION (12): Item expected to remain open, will be deferred to Agenda
  - Planning of the visitor center is an objective of MTMAC on the agenda for future meetings
    - ACTION (13) Item will be deferred to the Agenda
  - Working group for the visitor center will form a subcommittee of the MTMAC which will discuss the visitor center and advise the MTMAC, FWS and NMFS on this issue
    - ACTION (14) Item will be deferred to the Agenda
- Set time and date for next meeting
  - Next meeting will be scheduled
    - ACTION (15) closed, deferred to today's meeting
  - FWS will provide draft minutes of the meeting to Mr. Tsutsui to review and send out to the MTMAC
    - ACTION (16) closed, deferred to today's meeting
- Roy Tsutsui recommended the retention of open action items
  - New Action Item: Keep MTMAC informed of member status
  - Keep MTMAC informed of FWS and NOAA websites
  - Services will report status of Nautilus and Nepture Research alleged to be around Mariana Trench.
  - Mariana Trench MMP draft strategies and goals will be provided to MTMAC for review and comment prior to end of the calendar year.

#### 5. MTMAC Membership:

- In process, FWS will keep MTMAC informed
- Palacios brought the membership up to Governor Inos and discussed the 3 CNMI MTMAC members. Governor Inos will be meeting with the Governor of Guam next week. Roy Tsutsui recommended that Palacios take lead to update Governor Inos to be prepared for the Guam-CNMI summit Sept 17 where this may be discussed.
- Mr. Palacios agreed to provide feedback to MTMAC after he has advised Governor Inos.
  - Action item to be closed upon Palacios reporting back to MTMAC
- Mr. Sablan requested to know if the MTMAC position would be to recommend a Guam member. Frank Rabauliman thought only the Secretarial decision could change the MTMAC. Roy Tsutsui reminded that MTMAC is only to recommend membership but agreed to wait until Mr. Palacios checks with Governor Inos first to get his intent

## 6. By-Laws Review:

- Roy Tsutsui identified that the by-laws were not set in stone and were dynamic for the MTMAC to operate. They provide a framework for the MTMAC's mission and objectives. Mr. Tsutsui identified them as being good to get to the public so that the public knew about MTMAC and could hold MTMAC accountable.
  - ACTION: Moved to review, change if needed, and sign the by-laws at this meeting.
  - There was discuss that the bylaws may not be ready to sign without it addressing the CNMI co-management of the monument.
  - Roy Tsutsui identified that the by-laws were not set in stone and were dynamic for the MTMAC to update as needed.
- Charter vs By-Laws overview point by point because of new council member.
  - ACTION: moved to call it MTMAC By-Laws on Sept 12, 2013. Consensus achieved.
  - NAME- Changed to MTMAC because other similar acronym in area could cause confusion in the community.
  - PURPOSE- comes straight from the Presidential Proclamation
  - AUTHORITY – no authority to make the SERVICES do anything. Discussion occurred on who was intended to have co-management of the monument specifically was it the MTMAC or was it the CNMI government. Although Presidential Proclamation gives NOAA and FWS authority, with recent passage of Submerged Lands authority granted to CNMI would that affect the matter? It was reiterated that the Islands Unit co-management with CNMI was the focus of the co-management discussion between Connaughton and former Governor Fitial. Presidential Proclamation did not give MTMAC co-management authority. Roy Tsutsui stated that it needs to be clarified if the co-management discussion was limited to just the Islands Unit and noted for the record that this issue is of primary concern to CNMI. Issue recommended to be kept in the minutes.
    - Roy Tsutsui proposed new language for 5.1: "CEQ commitments to CNMI government affecting management of the Marianas Trench Marine National Monument.
    - Bullets:
      - Keep "Advise the MTMAC on political and resource..
      - Strike "Work together to fulfill"
      - Keep "Communicate with staff of member agencies.."
      - Keep "Conducting other activities as necessary to achieve purpose of MTMAC
  - SCOPE- Delete "marine" in NOAA draft so that it now reads "relevant to the protection of resources identified in the Presidential Proclamation"
  - "vote" is a misnomer because MTMAC is a consensus. Each 6A member is entitled to participate in the consensus process. (STRIKE ALL AFTER)

- 6 (d) STRIKE
- STRIKE “Deliberate on additional” – rewritten “to be eligible...” Roy Tsutsui recommend STRIKE “management level” and keep as “Government Official”
  - Add “upon termination of a Member’s assignment, a new nomination will be sought from the appropriate agency.”
- Delete “Leadership”
  - STRIKE “Must be present at all meetings”
  - Chair Term – prior draft was 2 years to have more continuity. Keep 3 year TERM because serendipity of Mr. Sablan voted in on year 2 of MTMAC Term 1. Vice and Secretary Change to 3 years terms.
- Item 8 Federal Assistance: Keep “Shall” because housed under the ‘expectations’ section
  - ADD “Assisting the secretary with preparing and distributing meeting minutes”
  - ADD “with consideration of equal opportunity for CNMI islands of Rota and Tinian.
  - KEEP esp –meeting notifications and do reminder one day before (expectation to have 2 announcements. There will be an expectation to rotate meetings to Rota and Tinian.
  - ADD “supplies”
  - ADD “establish and maintain a MTMAC webpage on appropriate Service websites.” STRIKE all after “websites.”
- Item 9 MTMAC operating procedures
  - KEEP “MTMAC will adopt such procedures” and strive for consensus to develop advice and recommendations relating to monument management. – See Heidi Hirsh version.
  - Meetings revise to ensure that meeting info is available to the public. Video and Teleconferences are possible
  - RE: Public Comments- Mr. Palacios suggested that when MTMAC is trying to give advice to the federal entities that the council would like to listen to the public before making decisions. Heidi Hirsh warns that the council needs to make sure FACA isn’t triggered. Intent is to understand public concerns.
  - Meetings to be held quarterly. Annual meeting in CNMI
- Roberts Rules
  - RETAIN. Modifying Roberts Rules to incorporate consensus (Roberts Rule is for majority decisions).
  - STRIKE sentence on majority vote for leadership
- Quorum: Keep original version
- Elections: see Heidi Hirsh changes
- Working group sections:

- REVISE Bylaws to: MTMAC may have the need to utilize Working Groups. The purpose of a working group would be to address assigned issues or review in support of the MTMAC. Working groups must be FACA compliant.
  - Operating cost are the same
  - Duration: Review every 3 years
  - Liability: same except change to “is intended”
  - Signatures: all MTMAC sign or just MTMAC officials.
    - Decision is to have all sign
  - SEC returns to Floor to Chairman. Bylaws are ready to be signed
- Vote for Vice-Chair
  - Roy Tsutsui nominated Frank Rabauliman, seconded by Palacios. Consensus achieved.

#### 7. Status of Connoughton’s commitments

- Susan White: response will get revised with the passage of TSLA. DOI to respond on behalf of the administration. Lisa Croft says that the letter will be signed by both Secretaries (Commerce and the Interior). Mr. Palacios expressed concern about CEQ not signing because of fear that CEQ could disown commitments made by predecessors.
- Discussion occurred on what the letter is covering. Mr. Palacios thinks that the Connoughton letter goes further than the 3 nautical mile limit and that the co-management is for the entire Island Unit. Governor Inos believes that the Island Unit is where there should be co-management between CNMI and the Federal government and it is the intention for co-management to include the entire Island Unit. Susan White stated that the passage of TSLA will set the foundation for discussion on what the Island Unit Co-Management will look like.
- Defining Coordinated Management is key on how to approach this according to Susan White. Marianas Trench Presidential Proclamation calls for “coordination of management.” Mr. Palacios said that there is already consultation and he wants to see Federal agencies working together with CNMI to develop the policies that will govern the Island Unit. Susan White thinks the Washington Office will be contacting CNMI to begin that discussion soon. Lisa Croft stated that the letter from MTMAC CNMI members clearly relays wish for Papahānaumokuākea Marine National Monument (PMNM)– like co-management. Susan White and Lisa Croft both stated that PMNM model is not applicable; Laura Beauregard stated that because of a reduction in staffing, i.e. loss of several key positions, management procedures are undergoing changes within PMNM. Mr. Palacios said that the process wasn’t the issue, the style of co-management is.

#### 8. NOAA fishery regulations

- Heidi Hirsh presented on the NOAA update for the Monument’s fishing regulations. Also presented was the process for “how to get a permit.”
  - Final rule published in the Federal Register June, 2013

- Mr. Palacios identified the regulations as a major accomplishment. Frank Rabauliman wanted to know about any limits to fishing to which Heidi Hirsh answered “no” but the log books will be reviewed by NMFS to be managed as a sustainable activity.
  - Customary exchange, permits required from NOAA with fee \$30-50 a year. Limited to residents and businesses in Marianas. Must record catch with 24 hours and file report in 30 days.
- NOAA fisheries Territorial Science Initiative in all U.S. Territories. Going to be a 3 year phased in approach to build science and monitoring capabilities in U.S. territories. Will slowly expand to become a NOAA fisheries-wide initiative. Palacios said that there were zero congressional mandates to use ACLs to drive fish management and that the Washington Office of NOAA articulated this issue well.

#### 9. Report out on Science Workshop in May 2012

- Mariana Archipelago and Mariana Trench Marine National Monument Ecosystem with the Science Implementation Plan 2014-2019 (what is needed to know to guide management within the archipelago).
  - A conclusion of the meeting was that very little data exists on the Island Unit
- Mr. Palacios has a conflict for next year’s cruise but wants to make sure that local people have an opportunity to get certified to be on the ships during the cruise. One of the keys to successful co-management is allowing for local participation. Lisa Croft and Heidi Hirsh need to make note to get space on the ships.

#### 10. Marianas Trench Monument Management Plan Development

- Timeline was posted in the meeting book
- Scoping was last year and Planning update has been provided
- Draft goals had been provided at last meeting, next stage is to develop draft objectives.
- Lisa Croft suggested NOAA draft objectives and provide them to MTMAC, NOAA has retained a writer/editor to be writing.
- Lisa Croft identified that NOAA had staff and money to prepare a plan by end of 2014 but FWS could not commit to that goal. Roy Tsutsui recommended NOAA to prepare draft goals and strategies in a timely fashion to give MTMAC. Motion carried.

#### 11. Information Center Work Group

- Mr. Palacios remarked that the Congressional earmark for assessment of lighthouse on Navy Hill as the site for the Visitor Center contract has been finalized. Assessment was structural. Final report was turned to DPW and the grantor agency (NOS-ONMS). The existing building on the site was not structurally sound and would have to go through a major rehabilitation and a whole new facility designed around it to constitute a Marine National Monument Visitor Center.
- There will be a policy decision for how to move forward with a Visitor Center, on this site or another.
- NOAA and FWS have some money proposed; Mr. Palacios will share copies of the report.
- Work Group meeting at NPS tomorrow

- Lisa Croft questioned if this was a MTMAC work group and Susan White said this is an anomaly because it was first recommended by MTMAC for FWS to designate.
- Roy Tsutsui recommended MTMAC establish a Work Group to look at the Visitor center. MTMAC member will lead and comply with FACA
- Mr. Palacios shared a CNMI House Joint Resolution, from August 21, 2013 on Preferred Site location of Visitor Center. Heidi Hirsh to send email to all members.
- Lisa Croft NMFS is committed and may have funding to commit to the process.

#### 12. Open Action Items (11) from this meeting

- 1) Keep MTMAC informed of membership status
- 2) Keep MTMAC informed of MTMAC webpage status (strive for end of October)
- 3) Need status of Nautilus and Neptune, Heidi Hirsh will check on Midori email
- 4) Mariana Trench Monument Management Plan Timeline Status to be provided
- 5) Status of NOAA Why Do We Explore reschedule course
- 6) Palacios to discuss with Governor Inos the intent for Guam on the MTMAC. Strive to discuss before Sept 19, 2013 summit
- 7) Status of CEQ commitment, still looking to get a response. Follow up letter from Governor Inos to the Secretaries
- 8) Federal agencies to provide Draft Monument Management Plan Objectives to MTMAC, striving for End of year
- 9) Mr. Palacios will give A & E survey summary to Federal agencies
- 10) Work Group for Visitor Center planning to provide status to MTMAC by next meeting
- 11) Federal agencies will distribute to MTMAC CNMI Joint Resolution 18-7
- Susan White will send Fitial Letter and Connoughton Email and Fitial's MTMAC remarks and information to the MTMAC.

#### 13. Closing Remarks

- Mr. Palacios urges the Federal agencies to do everything they can to make the Visitor Center happen. It got heated in the last Humanities Council. The meeting was well attended and one of the issues was the Marianas Trench Marine National Monument and the status of the Visitor Center. Palacios walked away with the message that a lot of promises were made to the community and they have been unable to keep them. People are displeased with the lack of progress on the Visitor Center. He highly encouraged people in the room who want to come and participate to come to the AMP. We cannot continue to blame each other, we need to work together.
- Roy Tsutsui welcomed Frank Rabauliman. Mr. Tsutsui stated that personally since the trench goes through the waters of Guam as well, Guam should have full representation on MTMAC.
- Susan White thanked Frank Rabauliman and everyone else for keeping things moving and that it's hard to be in Honolulu when so much is going on here.



- Lisa Croft reiterated that NOAA is fully committed; they have the staff and will continue on their commitment.
- Ben Sablan was grateful for Mr. Tsutsui's support to help the meeting. Moved to adjourn.

#### 14. Question and Answer session by the public

- Daniel Gottiea: PowerPoint slide said "provides traditional access for indigenous people' as... secretaries. Who are the secretaries? Do Secretaries identify who are the indigenous people?
  - Laura: CNMI provides recommendations on indigenous people to the secretaries. D. Gottiea to the MTMAC: Need to stay current on who are the indigenous populations for an area. Need to stay current on identifying indigenous people so that no one loses out on native identification. Look at precedents set by Alaska Native Lands.
- Rosemond Santos: (resident of Saipan, formerly a resident of Pagan) Taking of 3 northern islands was done by Presidential Proclamation for Bush's Blue Legacy and no one asked us. We find this to be modern colonialism but we do agree with the idea to conserve. Contest APASEEM Blue Legacy movie because people did not support it. Happy to see process for local use of Island Unit. Talk to folks from 3 Island Unit Islands. In regards to the Visitor Center, how can there be a Visitor Center with no budget? Should have local people speaking local languages in the Visitor Center. How will Pagan be portrayed? Is there a threat of militarization of Pagan? There is a NMD (North Mariana Decent) registration; will there be a local committee to identify what is historical and local?
  - Mr. Palacios / Lisa Croft: we established today a process for a Work Group and maybe a Cultural Work Group
  - Roy Tsutsui: In regards to CNMI buy-in, Presidential representative did consult with Governor of CNMI to make sure there was support before Presidential Proclamation. There was an attempt and we have been trying to follow-thru status of those commitments. In Regards to Visitor Center Budget and Planning, the MTMAC established a Working Group to look at the Visit Center, funding, locations, and the working group will report back by December. With Regards to other islands in the Marinas National Monument, there are no plans to add additional islands (like Pagan).
- Genieve Cabrarra: (Cultural Historian) Even though there was an attempt to involve people in the Marine National Monument planning, many people were not aware of the full extent of the Marine National Monument and many people still do not understand. Many actions do not recognize native CNMI people, it seems to depend on the different agencies and if the agencies have an interest in inclusion. With regards to the frequently asked question on who manages the monument, the answer seems like there is significant military involvement. There is a Pacific way of doing things that underscores the need to have a modicum of respect. There is a history of presenting issues within

short time spans and minimal attempt to reach out or come into compliance with native involvement (Present Company excluded). We still have to deal with ramifications of bad past native coordination. Second question, Presidential Proclamation has many points where the federal intrusion and involvement is not clear, which means natives stand to lose components of their cultural practices. We know our ancestors occupied all these lands and we want our children to be able to live on the islands again. We need to ensure the legacy of stewardship is passed on to our kids.

○ Frank Rabauliman: I can relate. Limit comments to 5 minutes and respond at the end.

- Sil Capa (Pagan): What I have seen and heard is planned hurts. You have to free the land. Decisions must be made from the heart. With regards to Marine National Monument Visitor Center, where did you go to ask to include the 3 island and why establish a Marine National Monument and plan a Visitor Center if there is no money.
- William Torres: Mr. Palacios mentioned excitement recently generated on the Marine National Monument, it was 1 of 3 issues at the Forum. I was surprised on how the Marine National Monument has become a dormant issue for the last 3 years. How is this an issue, it was created and now It just needs to be carried out? Not sure if the MTMAC is the right forum for this but I applaud you for the progress and moving forward on the mess created by predecessors. This was a statement a past President wanted to attach to his name and you are picking up the pieces. I have been watching and I am happy. The College is interested in having the Visitor Center attached to the college, with the idea of attaching it to increase interest in science and to move the college forward. Legislature is supportive; maybe they should find the funding. Suggest we go back and revisit what NMCC tried to do (started 9 years ago and plan lasted 5 years before being dropped). I am happy MTMAC affirmed its Bylaws today, could be routine procedures in following the direction of the Presidential Proclamation. Friends of Marine National Monument can share insight. There is no one to blame.
- Ike Cabrerra (Chair, Friends of the Monument): We should put aside our differences and make this the best Marine National Monument in the world. This is an opportunity for kids to get interested in science and to know what we have in common.
- John Fury: Congratulations on a great working committee. Great interest from NMCC in involvement. Keep options open early in the planning process. Do not always wait to develop Monument Management Plan, get the objectives out for people to see. I would like to see better working cooperation's between managing agencies. Encourage all people to come together.
- Roy Tsutsui: time for a response:
  - Lisa Croft: people in the room need to understand that responses being made to the public questions are from the perspective of the individual making the response, not on behalf of the MTMAC.
  - Roy Tsutsui: concur, I am speaking for my role as Department of Defense representative, this is an outreach session. In regards to doing a better job at

education and outreach because the scope of the Marine National Monument is not clear, as we get further along in the planning process the education and outreach should make it clear.

- No legal standing for CNMI native people, thank you for that comment
- Who manages the monument? It is not MTMAC or DoD, but USFWS and NMFS. MTMAC is looking at the status of co-management of Island Unit with CNMI government. There is no management by the DoD or the US Coast Guard. There is no hidden agenda. DoD is on the MTMAC to ensure it doesn't impact national security but otherwise has a very limited role.
- With regards to sensitivities, impact of the Marine National Monument on the local culture, the Monument is to preserve and have stewardship for maintaining the history and culture. Maybe there is confusion that it might be a "federal taking" but I do not see that at all.
- With regards that Marine National Monument expanding to include Pagan, that is not a proposal and Pagan is not in the monument.
- Visitor Center, if Legislature makes resolution to have it on Marpi, the federal government will see that as a resolution from the elected representatives of the public.
- With regards to NMCC, that is a good idea that has come up before.
- With regards to public input, it is a very good point. It is important to the MTMAC and it was put into the Bylaws for that reason.  
Transparency is so critical, especially for members who are representing their community or agency. We will have to strive to look at every aspect of community, even those not from here (like scientists).
- Heidi Hirsh: Research on NMSA foundation Act is one of the most successful because community involvement. This is community management and we are the facilitators.
- Mr. Palacios: Need to have the Mayor of NMI on the Work Group
  - Thank you for showing up and personally telling us what you feel
  - Elders: hard to wrap head around 3 nautical mile limit because their 'waters' are as far as they can see